

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CR No.4400 of 2013

Date of decision: 10.03.2016

Surinder Kaur

....Petitioner

Versus

Lakhbir Singh and others

....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. K.S. Boparai, Advocate
for the petitioner.

Mr. Amarjeet Markan, Advocate
for respondents No.1 to 3.

REKHA MITTAL J. (Oral)

Counsel for the parties are ad idem that the impugned order dated 02.05.2013 may be set-aside and the trial Court may be directed to decide the application under Order 7 Rule 11 of the Code of Civil Procedure by recording a definite finding as to whether the Court fee is payable or not keeping in view the averments made in the application, reply filed by the respondents and in the light of averments made in the plaint.

In view of the above, the petition stands disposed of, the impugned order is set-aside and the trial Court is directed to decide the application under Order 7 Rule 11 read with Section 151 CPC afresh in view of the averments raised in the application, the response filed by the respondents and the allegations raised in the plaint, in accordance with law within a period of 3 months from the date of receipt of certified copy of the order.

**(REKHA MITTAL)
JUDGE**

10.03.2016

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